United Nations CRC/C/PER/CO/4-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of Peru*

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Peru (CRC/C/PER/4-5) at its 2067th and 2069th meetings (see CRC/C/SR.2067 and 2069), held on 14 and 15 January 2016, respectively, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/PER/Q/4-5/Add.1 and Corr.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008;

(d) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2006;

(e) The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in 2014.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Law No. 30403, prohibiting the use of corporal and other humiliating punishment against children and adolescents, on 29 December 2015;

(b) Law No. 30364 to prevent, punish and eradicate violence against women and household members, on 6 November 2015;

(c) Law No. 29719, promoting coexistence without violence in educational institutions (anti-bullying law), on 23 June 2011.

5. The Committee welcomes the adoption of the following institutional and policy measures:

(a) The national plan for education on fundamental rights and duties for the period up to 2021, on 12 December 2014;

(b) The national plan on prevention and treatment in respect of adolescents in conflict with the law for the period 2013-2018, on 30 November 2013;

(c) The national strategy against violence in schools, on 15 September 2013;

(d) The national strategy for the prevention and elimination of child labour for the period 2012-2021, on 4 September 2012;

(e) The national plan of action for children and adolescents for the period 2012-2021, on 13 April 2012;

(f) The creation of the Office of the Deputy Ombudsperson for Children and Adolescents within the Ombudsperson's Office, on 30 September 2006.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Committee's previous recommendations

6. **The Committee recommends that the State party take all the measures necessary to address the recommendations made in its concluding observations of 2006 (CRC/C/PER/CO/3) that have not been implemented or sufficiently implemented and, in particular, those related to legislation and implementation (para. 8) and economic exploitation, including child labour (para. 64).**

Legislation

7. The Committee welcomes that articles 193-199 of the Code on Children and Adolescents were repealed in September 2015. Nevertheless, it is concerned that the process of revising the Code has been delayed and that several provisions of the Code do not comply fully with the Convention, in particular as regards the child protection system, child participation, adoption and juvenile justice. The Committee is also concerned that the "begging bill" continues to be in force.

8. **The Committee urges the State party to expedite the revision of the Code on Children and Adolescents and guarantee that it is brought into full conformity with the Convention, especially as regards the child protection system, child participation, adoption and juvenile justice. The State party should ensure that the views of children and relevant child-rights organizations are heard and fully taken into account in this**

process. The Committee also reiterates its previous recommendation (see CRC/C/PER/CO/3, para. 7) to repeal the "begging bill".

Comprehensive policy and strategy

9. The Committee welcomes the adoption of the national plan of action for children and adolescents for the period 2012-2021 and the inclusion of civil society in the work of the permanent multisectoral commission that is entrusted with implementation and monitoring of the plan. The Committee is, however, concerned that resources allocated for the plan's implementation are limited and that indicators for monitoring and evaluation of the plan are lacking.

10. **The Committee recommends that the State party develop indicators for monitoring and evaluating the national plan of action for children and adolescents for the period 2012-2021, with a view to identifying possible deficiencies for corrective action. The State party should also ensure that the implementation of the plan is supported by sufficient human, technical and financial resources.**

Coordination

11. The Committee notes that the Directorate-General for Children and Adolescents was placed under the supervision of the Deputy Minister for Vulnerable Groups within the Ministry for Women and Vulnerable Groups. Nevertheless, it is concerned that despite the upgrade in rank, the Directorate-General continues to have insufficient capacity and resources to ensure effective coordination and implementation of the Convention across all branches and levels of government. Moreover, while welcoming the increase in the number of offices for the defence of children and adolescents, the Committee is concerned that they are not available in all municipalities, in particular in rural and remote areas, and that there are disparities in infrastructure and resources provided to them, which may limit access to support for children.

12. **The Committee recommends that the State party provide the Directorate-General on Children and Adolescents with sufficient authority, technical expertise and capacity to coordinate effectively all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels and invites the State party to consider further elevating the status of the Directorate-General to vice-ministry. The State party should also provide the Ministry for Women and Vulnerable Groups with the human, technical and financial resources necessary for its effective operation. The Committee further recommends that the State party continue to strengthen the capacity of its offices for the defence of children and adolescents, with a view to achieving equal protection standards throughout its territory.**

Allocation of resources

13. The Committee welcomes that the State party increased its budgetary resources to implement children's rights and developed a tool for the classification and monitoring of public investment in children. It is, however, concerned about:

(a) The imbalanced distribution of resources among the different sectors, such as child protection and participation;

(b) The lack of information on budgetary resources for children in vulnerable and marginalized situations, including indigenous children;

(c) The high corruption index in the State party and its negative impact on public resources, including resources allocated for children.

14. **In the light of its day of general discussion in 2007 on resources for the rights of the child and the responsibility of States, the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of budget needs and establish transparent allocations to progressively address the disparities among resources allocated to the various sectors, in particular child protection and participation;**

(b) **Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures, including indigenous children;**

(c) **Strengthen its measures to combat corruption, including with regard to its institutional capacity to detect, investigate and prosecute corruption effectively.**

Data collection

15. While noting the significant efforts made by the State party to collect and analyse data on children, the Committee is concerned that data are not sufficiently disaggregated and consolidated, which may constitute an obstacle for an adequate understanding and assessment of the situation of children in vulnerable and marginalized situations.

16. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party continue to strengthen its data collection system, in particular by ensuring that data cover all areas of the Convention and are disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children. It also recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. Furthermore, the State party should take into account the conceptual and methodological framework set out in the report of United Nations Office of the High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information.**

Independent monitoring

17. While welcoming the creation of the Office of the Deputy Ombudsperson for Children and Adolescents, the Committee is concerned about budget reductions that may negatively affect its capacity to offer decentralized services.

18. **The Committee recommends that the State party provide adequate financial, technical and human resources to ensure that the Office of the Deputy Ombudsperson for Children and Adolescents continues to be able to carry out its mandate effectively, including in rural and remote areas and indigenous communities.**

Dissemination and awareness-raising

19. While welcoming the efforts of the State party to raise awareness of the provisions of the Convention, the Committee is concerned that general awareness of the existence and importance of the Convention remains limited among children, parents, professional groups and the public at large.

20. **The Committee recommends that the State party continue to strengthen its efforts to widely disseminate the Convention among children, parents and the public at large and ensure systematic and ongoing awareness-raising programmes, including campaigns, on children's rights, targeting in particular children, families and**

professionals working with and/or for children, in particular in rural and remote areas and indigenous communities.

Cooperation with civil society

21. While noting that the State party cooperates with civil society in several areas relating to children's rights, the Committee expresses deep concern at reports of physical attacks and arrests of journalists and human rights defenders in the State party, especially those who defend the rights of communities, including children, affected by mining and hydroelectric projects.

22. **The Committee reminds the State party that human rights defenders deserve special protection, since their work is critical for promoting human rights for all, including children, and thus strongly recommends that the State party take immediate action to allow journalists, human rights defenders and all non-governmental organizations to exercise their right to freedom of expression and opinion without threats and harassment. The Committee also urges the State party to ensure that reported instances of intimidation, attacks and arrests of human rights defenders or civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable.**

Children's rights and the business sector

23. The Committee expresses concern at the impact of mining and hydroelectric projects on the living conditions of children and their families in the regions concerned, such as the La Oroya, Cerro de Pasco and Cajamarca areas, and with respect to the health hazards and environmental degradation, in particular the contamination of drinking water, arising from such projects. It is also concerned that environmental impact assessments are not always carried out prior to granting licences to companies. The Committee is further concerned at information received that Law No. 29785 on the right of indigenous or original peoples to prior consultation does not apply to all self-identified groups of indigenous peoples affected by such projects and that some projects relating to the mining sector are excluded from the consultation process.

24. **In the light of its general comments No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Ensure effective implementation by companies, especially those involved in mining and hydroelectric projects, of international and national environment and health standards, and effective monitoring of the implementation of those standards; appropriately sanction violators and provide remedies for victims when violations occur; and ensure that appropriate international certification is sought;**

(b) **Require all companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;**

(c) **Ensure that all affected groups of indigenous peoples are involved in relevant consultation processes and that their views, including the views of indigenous children, are duly taken into account;**

(d) **Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.**

B. Definition of the child (art. 1)

25. The Committee notes that the minimum age of marriage is set at 18. However, it is concerned that courts may grant exceptions to that rule, if the boy and girl are at least 16 years old and have expressly stated their desire to marry.

26. **The Committee urges the State party to enforce effectively the legal minimum age of marriage of 18.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

27. While noting the measures taken by the State party to address discrimination against children in marginalized or disadvantaged situations, such as the establishment of the National Commission against Discrimination and the platform against discrimination, the Committee is deeply concerned about:

(a) The persistence of patriarchal attitudes and deep-rooted stereotypes that discriminate against girls, resulting in a high prevalence of violence against girls;

(b) The prevalence of structural discrimination against certain groups of children, including indigenous children, Afro-Peruvian children, children living in rural and remote areas, children living in poverty, lesbian, gay, bisexual, transgender and intersex children and children with disabilities, in particular regarding their access to education and other basic services, such as health care;

(c) The absence of legislation explicitly prohibiting discrimination based on sexual orientation or gender identity.

28. **The Committee recommends that the State party:**

(a) **Design and implement a comprehensive strategy, including awareness-raising programmes and educational campaigns, to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls;**

(b) **Intensify its efforts to prevent and eliminate all forms of de facto discrimination against all children in marginalized and vulnerable situations, including by effectively implementing existing laws and policies, adopting further strategies, and carrying out broad public education campaigns;**

(c) **Ensure that professionals working with and for children, the media and the general public are sensitized to the negative impact of stereotypes and discriminatory attitudes on children's enjoyment of their rights;**

(d) **Explicitly prohibit discrimination based on sexual orientation and gender identity.**

Best interests of the child

29. The Committee notes the legal recognition of the right of the child to have his or her best interests taken as a primary consideration. Nevertheless, it is concerned at reports that the right has not been consistently applied in practice, particularly in administrative and judicial decisions.

30. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure that this right is given priority, and that it is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children;**

(b) **Ensure that the right is fully recognized in the revised Code on Children and Adolescents;**

(c) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

Respect for the views of the child

31. While welcoming the efforts of the State party to create child participation spaces, including the establishment of the Children's Consultative Council, institutional educational councils and student bodies, the Committee is concerned that the opinions voiced in those forums are not sufficiently taken into consideration in decision-making processes. It is also concerned about the State party's intention to subject the right of children to participate in matters affecting them to parental authority in the revised Code on Children and Adolescents. Moreover, the Committee is concerned at reports that children are rarely consulted in relevant administrative or judicial proceedings and not readily accommodated and recognized in the home, schools and communities, owing to, among other things, traditional and cultural conceptions.

32. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Provide for concrete means to take into consideration the opinions voiced by children in various forums in all decision-making processes that concern them;**

(b) **Ensure that the right of the child to participation in relevant matters is guaranteed in the revised Code on Children and Adolescents, in line with article 12 of the Convention;**

(c) **Ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;**

(d) **Develop programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, with particular attention to girls and children in vulnerable situations;**

(e) **Develop guidelines and indicators to facilitate, assess and monitor the implementation of the right of the child to participation in relevant matters and to be heard in legal and administrative procedures, and ensure that the professionals involved receive training in their use.**

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration

33. While welcoming the information provided during the dialogue that the overwhelming majority of children have a national identity document, the Committee is concerned that some children continue to face difficulties in gaining access to birth registration and identity documents.

34. **The Committee recommends that the State party continue to strengthen its efforts to ensure universal birth registration and access to identity documents for all children born in the State party, with particular attention to indigenous children, children living in rural and remote areas, such as the isolated border communities of the Amazonian region, and children living in poverty.**

Freedom of expression and peaceful assembly

35. The Committee is deeply concerned at reports of violence against children, including violent death, committed by State security forces in the context of social protests and the state of emergency declared in Celendín.

36. **The Committee recommends that the State party take appropriate actions to protect children from police and military action in the context of measures taken to ensure public security and hold perpetrators accountable for rights violations.**

Right to privacy and access to information

37. The Committee is concerned that:

(a) Media persist in propagating negative stereotypes of children, in particular adolescents and indigenous and Afro-Peruvian children;

(b) Access to information for children in minority languages is limited;

(c) Measures taken to ensure access to, and address the risks for children posed by, digital media and information and communications technology are insufficient.

38. **In the light of its days of general discussion on the child and the media, held in 1996, and on digital media and children's rights, held in 2014, the Committee recommends that the State party:**

(a) **Address the negative portrayal of children, including indigenous and Afro-Peruvian children, in the media;**

(b) **Ensure that children have access to information in minority languages;**

(c) **Adopt and effectively implement human rights-based laws and policies to ensure that all children have access to digital media and information and communications technology and enjoy the full protection of the Convention and its Optional Protocols in the online environment.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

39. The Committee welcomes the adoption, in December 2015, of Law No. 30403 prohibiting the use of corporal and other humiliating punishment against children and adolescents, but is concerned that, despite improvements, the application and social acceptance of corporal punishment remain widespread.

40. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, the Committee recommends that the State party ensure effective implementation of the new law and strengthen its efforts to raise awareness on the harmful effects, both physical and psychological, of corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline. The State party should also provide training to principals, teachers and other persons working with and for children in order to ensure that they can identify and provide adequate support for child victims of corporal punishment.**

Freedom of the child from all forms of violence

41. The Committee welcomes the adoption of Law No. 30364 of 6 November 2015 on preventing, punishing and eradicating violence against women and household members and other efforts made by the State party to address domestic and sexual violence against children, including establishing comprehensive support systems. The Committee remains, however, deeply concerned at the prevalence of high levels of violence against, and abuse of, children, including domestic and sexual violence. In particular, it is concerned at:

(a) The low rate of complaints and lack of effective investigation of acts of violence against children, in particular sexual violence, resulting in impunity for perpetrators;

(b) Information received that children depend on parents or guardians to file complaints about violence and that their complaints are questioned, leading to their re-victimization;

(c) The increasing severity and frequency of bullying and violence in schools;

(d) Numerous cases of children having been abused by the clergy of the Catholic Church;

(e) Deficiencies in the protection system for child victims of violence and abuse, in particular that it does not cover all areas of the State party, focuses on responses to violence rather than prevention, and does not always function effectively, owing to, inter alia, limited capacity and resources;

(f) The lack of a comprehensive system for the collection of disaggregated data on all forms of violence against, and abuse of, children;

(g) The fact that children are involved in training for bullfighting and associated performances, which entails a high risk of accidents and severe injuries, and that child spectators are exposed to the extreme violence of bullfighting.

42. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16, target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Effectively investigate all cases of violence against children and ensure that perpetrators are held accountable for those offences;**

(b) **Ensure children's effective access to justice, including by providing legal and other relevant support, ensuring that children are treated as victims and providing accessible, confidential, child-sensitive and effective reporting channels;**

(c) **Strengthen awareness-raising and education programmes, including campaigns, among professional groups working for and/or with children and the public at large, with the aim of preventing and combating all forms of violence against**

children, as well as addressing the stigmatization of victims, in particular victims of sexual abuse;

(d) **Ensure effective implementation of the anti-bullying law and the national strategy against violence in schools;**

(e) **Ensure effective investigation of all cases of sexual abuse allegedly committed by the clergy of the Catholic Church, and the prosecution of alleged perpetrators. Those convicted should be adequately punished and the victims compensated and rehabilitated;**

(f) **Ensure the effective functioning and coordination of all parts of the child protection system throughout the State party, including through the allocation of adequate human, technical and financial resources;**

(g) **Pay particular attention to and address the gender dimension of violence;**

(h) **Establish a national database on all cases of violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(i) **Prohibit the participation of children in bullfighting training and associated performances as a worst form of child labour, ensure the protection of child spectators and raise awareness of the physical and mental violence associated with bullfighting and its impact on children.**

Harmful practices

43. While taking note of efforts made to prevent child marriage in the Napo communities, the Committee is concerned about the high prevalence of child marriage in the State party, in particular in indigenous and rural areas.

44. **The Committee recommends that the State party ensure that the minimum age of marriage, set at 18 for both girls and boys, is enforced effectively. The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders, in the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014).**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20-21, 25 and 27 (4))

Family environment

45. The Committee notes the measures taken by the State party to support families, especially those living in poverty, including measures to promote early childhood development and social programmes to overcome poverty. Nevertheless, it is concerned about the insufficiency of measures aimed at empowering families and supporting them in the fulfilment of their child-rearing responsibilities, and about the insufficient availability of childcare services and facilities.

46. **The Committee recommends that the State party strengthen its support and services for parents and legal guardians, particularly those in situations of poverty, in order to enhance their capacities in assuming their child-rearing responsibilities, including through counselling, parental education and other awareness-raising**

programmes that would support a stable family environment. The State party should also ensure the availability and quality of a sufficient number of childcare services and facilities.

Children deprived of a family environment

47. The Committee is concerned that national legislation, including the Code on Children and Adolescents and Law No. 30162 on family placement, is not in line with the Guidelines for the Alternative Care of Children. In particular, the Committee is concerned that:

(a) Adequate safeguards and clear criteria for determining whether a child should be placed in alternative care, including judicial review of decisions, are lacking and no clear distinction is made between risk and abandonment;

(b) Institutionalization, despite a significant reduction in its application, remains the measure most commonly applied to children deprived of a family environment;

(c) Conditions in residential care centres are not always adequate; that there have been reports of, among other things, suppression of food and family visits being used as punishment; and that a mechanism for systematic monitoring and supervision of these institutions is lacking;

(d) Support for the social reintegration of children and young people leaving care is insufficient;

(e) An information system and data on children in alternative care are lacking.

48. **The Committee recommends that the State party:**

(a) **Ensure that relevant legislation is brought fully into line with the Guidelines for the Alternative Care of Children and includes adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care;**

(b) **Collect comprehensive, disaggregated data on the situation of children deprived of a family environment;**

(c) **Effectively implement the national plan of action for children and adolescents for the period 2012-2021 with a view to further promoting family-based care for children deprived of a family environment, including its foster care programme, and further reducing the institutionalization of children;**

(d) **Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying ill-treatment of children;**

(e) **Strengthen support to children and young persons leaving care with a view to enabling their reintegration into society, including by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities.**

Adoption

49. The Committee welcomes the efforts of the State party to strengthen its adoption system by reducing the number of intercountry adoptions and drafting a new law on adoption. However, it is concerned that the number of intercountry adoption remains high and the proposed new law on adoption does not fully comply with the Convention and other relevant international standards.

50. **The Committee recommends that the State party continue its efforts to give priority to domestic adoption over intercountry adoption and ensure that the proposed new law on adoption complies fully with the Convention and other relevant international standards. In particular, the State party should provide minimum guarantees of due process, differentiate between the concepts of abandonment and adoptability and ensure that the procedure is not exclusively administrative in nature.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

51. The Committee notes the measures taken to guarantee the rights of persons with disabilities and establish an inclusive education system, such as the adoption in December 2012 of General Law No. 29973 on persons with disabilities. However, the Committee is concerned that legislative and policy measures are not implemented effectively in practice. In particular, it is concerned at:

(a) The fact that more than 90 per cent of children with disabilities do not possess a disability certificate, owing to, among other things, a lack of specialized medical personnel to issue such certificates, which impedes their access to services for persons with disabilities;

(b) Information received that approximately 54 per cent of children with disabilities do not know how to read or write;

(c) Limited access to inclusive education for children with disabilities, in particular in rural and remote areas, owing, inter alia, to the lack of adequate infrastructure and resources and the limited support provided by the Assistance and Advice Services for Students with Special Educational Needs;

(d) The insufficient availability of rehabilitation services and early detection programmes, in particular in rural and remote areas, and the limited coverage of rehabilitation and treatment for children with disabilities under the universal health insurance;

(e) The fact that many social protection programmes, while they do not directly exclude children with disabilities, are not accessible to such children owing to the fact that the programmes are often solely provided in schools, taking into account that only 50 per cent of children with disabilities attend school;

(f) Continued widespread discrimination and violence against children with disabilities.

52. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, and:**

(a) **Increase its human, technical and financial resources to ensure that all children with disabilities receive a disability certificate;**

(b) **Strengthen its efforts to implement an inclusive education system for all children at all levels, including by allocating the necessary human, technical and financial resources, providing accessible schools and educational materials, ensuring training of teachers, providing transportation and strengthening and expanding the support provided by its Assistance and Advices Services for Students with Special Education Needs in all areas of the State party;**

(c) **Establish a system to provide education to children with disabilities who have not attended school for many years and do not know how to read and write;**

(d) **Ensure that children with disabilities throughout the State party have effective and free access to health and rehabilitation services, including early detection and intervention programmes;**

(e) **Ensure that its social protection programmes are inclusive in practice;**

(f) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Health and health services

53. The Committee welcomes the significant progress made by the State party in reducing child mortality and chronic malnutrition, but is concerned at disparities in progress between urban and rural areas and regarding indigenous children and children living in poverty. The Committee is also concerned that:

(a) Access to and the quality of health-care facilities remain insufficient, in particular in rural and remote areas and indigenous communities;

(b) Despite improvements, the maternal mortality ratio continues to be high, particularly in rural and remote areas;

(c) Basic vaccination coverage is not yet comprehensive and even declining;

(d) The prevalence of anaemia among children has increased;

(e) The rate of exclusive breastfeeding is declining and the enforcement of the rules on infant food is not adequately monitored.

54. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Continue to strengthen its efforts to address child mortality and malnutrition, focusing primarily on children living in poverty, children living in rural and remote areas and indigenous children. In this context, the State party should consider the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**

(b) **Ensure equal access to quality health services by all children, including children living in rural and remote areas;**

(c) **Effectively implement its strategies aimed at reducing maternal mortality throughout the country, including by strengthening the quality of prenatal care and the responsive capacity of health services;**

(d) **Conduct studies on the causes of anaemia among young children and women and, based on the findings, formulate and implement programmes to address the issue;**

(e) **Strengthen its efforts to promote exclusive breastfeeding until 6 months of age by raising awareness among health personnel and the public of the importance of exclusive breastfeeding and ensure effective implementation and monitoring of the rules on infant food.**

Adolescent health

55. The Committee is concerned at:

(a) The high rate of teenage pregnancies, in particular among children in vulnerable and marginalized situations, including children living in poverty, children with low levels of education and indigenous children;

(b) The fact that abortion is illegal in cases of rape or incest, and at the restrictive interpretation of therapeutic abortion, a situation that compels girls to resort to unsafe abortion at risk of their health and life;

(c) The lack of access by adolescents to sexual and reproductive health services, unless they are accompanied by a parent or legal guardian, and to modern contraception methods, including emergency contraception;

(d) The high rate of suicide and depression among adolescents;

(e) The high rate of drug and alcohol addiction among children and adolescents, particularly affecting children in street situations.

56. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

(a) **Address the high number of adolescent pregnancies by strengthening access to age-appropriate education on sexual and reproductive health and rights for girls and boys in all areas of the State party, including out-of-school children;**

(b) **Decriminalize abortion in all circumstances, ensure children's access to safe abortion and post-abortion care services, at least in cases of rape, incest and serious impairment of the foetus and in cases of risk to the life and health of mothers, and provide clear guidance to health practitioners and information to adolescents on safe abortion and post-abortion care. The views of pregnant girls should always be heard and respected in abortion decisions;**

(c) **Ensure the availability of, and effective access by all adolescents to, confidential reproductive health and counselling services and information, as well as to modern forms of contraception, including free emergency contraception;**

(d) **Ensure quality access to mental health services with a view to eliminating the prevalence of suicide and depression among adolescents;**

(e) **Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information, as well as life skills education on preventing substance abuse, including with respect to tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

HIV/AIDS

57. While noting the measures taken by the State party to prevent and address HIV/AIDs, the Committee is concerned at reports that only about 50 per cent of children infected with HIV receive antiretroviral treatment. It is also concerned at the increasing rate of infections among indigenous children and the limited provision of appropriate health-care services for HIV-infected pregnant women.

58. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party improve access to and coverage of antiretroviral therapy for HIV-infected children. The State party should**

also provide targeted services and information on HIV prevention for indigenous children. Further, it should ensure adequate health-care services and treatment for HIV-infected pregnant women and follow-up treatment for HIV/AIDS-infected mothers and their infants with a view to preventing mother-to-child transmission and guaranteeing early diagnosis and initiation of treatment.

Standard of living

59. The Committee remains concerned that, despite improvements, child poverty is widespread and access to drinking water and sanitation for children is limited, in particular in rural areas and among indigenous children.

60. **The Committee recommends that the State party continue to intensify its efforts to eliminate poverty and extreme poverty and expand access to drinking water and sanitation, with a particular focus on rural areas and indigenous communities.**

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

61. The Committee notes the significant efforts made to increase budget allocations for, and access to, education, including early childhood education, and to strengthen intercultural bilingual education. However, it is concerned about:

(a) Disparities in budget allocations between schools and between regions;

(b) Lower enrolment and completion rates, persistent difficulties in accessing quality and bilingual education and high illiteracy rates among children living in rural areas, indigenous children and Afro-Peruvian children;

(c) The growing privatization of education, which may reinforce discrimination in the educational system;

(d) Hidden costs in education;

(e) The low quality of education, despite improvements, and the relatively low educational achievements of children in the State party;

(f) Insufficient training of teachers and difficult working conditions in rural and remote areas;

(g) High rates of school dropout, particularly affecting pregnant girls and adolescents at the secondary level.

62. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Continue its efforts to allocate sufficient financial resources for the development and improvement of the national education system, covering all schools and all areas of the State party;**

(b) **Continue to improve the accessibility and quality of education for all children, including by strengthening the provision of quality training for teachers and improving their working conditions, in particular in rural areas, to encourage them to provide education of a high quality;**

(c) **Assess and address the consequences of the rapid development of private education in the State party with a view to ensuring equal access to quality education for all children;**

(d) **Guarantee the right to free mandatory education, without indirect or hidden costs;**

(e) **Strengthen measures to address school dropout and increase the completion of secondary education, with a particular focus on children living in rural areas, indigenous and Afro-Peruvian children, pregnant girls and teenage mothers;**

(f) **Improve the quality of education in rural areas and among indigenous and Afro-Peruvian communities with a view to eliminating illiteracy, and ensure the effective implementation of its programmes on intercultural bilingual education.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)

Asylum-seeking, refugee and migrant children

63. The Committee welcomes the adoption, in September 2015, of the Migration Act, and the State party's active role in the preparation and adoption of the Brazil Declaration and Plan of Action in 2014. It is, however, concerned at the lack of specific procedures to deal with unaccompanied and separated children and the limited access to basic services for asylum-seeking and refugee children, including to health, education and other social services.

64. **In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, and in accordance with advisory opinion OC-21/14 of the Inter-American Court of Human Rights, and the guidelines set out by the Office of the United Nations High Commissioner for Refugees on determining the best interests of the child, the Committee recommends that the State party establish a child-sensitive refugee status determination procedure, including specific safeguards for unaccompanied asylum-seeking children. The State party should also consider adopting a social strategy ensuring access to basic services for asylum seekers and refugees, including children.**

Economic exploitation, including child labour

65. While noting the measures taken by the State party to address child labour, including awareness-raising and training activities, the Committee is seriously concerned that:

(a) The minimum age for admission to employment remains at 14;

(b) The prevalence of child labour remains extensive, in particular in rural areas, with a high percentage of children involved in the worst forms of child labour, including mining, agriculture work, logging, brick making, domestic work and garbage dump work, and in illicit activities, in particular illegal coca cultivation and drug trafficking;

(c) Measures taken to address child domestic labour have been insufficient;

(d) The system of authorization and registry, which bases the authorization for children to work on a number of requirements, does not work effectively in practice;

(e) The phenomenon of child labour, in particular domestic child labour and child labour in rural areas, has not been sufficiently studied.

66. **The Committee urges the State party to:**

(a) **Increase the minimum age for admission to employment to 15, when compulsory education ends, as previously recommended by the Committee;**

(b) **Ensure that all hazardous and abusive forms of labour, including domestic work, are prohibited for children under 18 years of age, and adopt specific measures to address the situation of child domestic workers;**

(c) **Effectively enforce existing legislation protecting children from economic exploitation and exposure to hazardous or abusive work and illicit activities, including by strengthening monitoring and inspection mechanisms and thoroughly investigating and sanctioning violations;**

(d) **Ensure adequate financial resources and institutional capacity to implement effectively the national strategy for the prevention and elimination of child labour for the period 2012-2021;**

(e) **Continue to strengthen family support programmes to eliminate child labour;**

(f) **Ensure that the involvement of children in labour is in full compliance with international child labour standards, in terms of the children's age, working hours, working conditions, education and health, including by effectively implementing the system of authorization and registry. In this regard, the Committee recommends that the State party establish the definition of "light work", in conformity with the rules set out in the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization;**

(g) **Strengthen its efforts to systematically collect and analyse disaggregated data on child labour in order to understand its dynamics and to support recommendations that will address the root causes and dangers of child labour throughout the State party;**

(h) **Continue to seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in this regard.**

Children in street situations

67. While noting the State party's prevention and recovery measures, such as the street educators programme, the Committee is concerned that the number of children in street situations, who are vulnerable to various prevalent risks, including crime, drugs, gang violence, abuse and exploitation, remains high and data on this issue are lacking. It is also concerned at reports that children living and working in the streets are arrested, detained in poor conditions and ill-treated by the police.

68. **The Committee recommends that the State party:**

(a) **Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the magnitude and root causes of the situation;**

(b) **Adopt a comprehensive child-protection-based approach to dealing with children in street situations, focusing on ensuring adequate assistance for recovery and reintegration, nutrition, housing, health care and educational opportunities;**

(c) **Raise public awareness of the rights and needs of children in street situations and combat misconceptions and prejudices;**

(d) **Ensure that children in street situations are not subject to discrimination, abuse and harassment by law enforcement officials and to arbitrary arrest and detention;**

(e) **Ensure that children in street situations are consulted during the planning of programmes designed for their protection and the improvement of their development.**

Administration of juvenile justice

69. The Committee welcomes the adoption of the national plan for the prevention and treatment of adolescents in conflict with the law for the period 2013-2018 and the State party's restorative justice programme. Nevertheless, it is deeply concerned about Legislative Decree No. 1204 of 23 September 2015 regulating sanctions, and the execution thereof, for juveniles in conflict with the penal law, which is based on a punitive approach and, inter alia, increases penalties for serious crimes committed by juveniles; limits due process rights; establishes exceptions for the prohibition of solitary confinement; and increases pretrial detention to 180 days, while the maximum duration for criminal proceedings should not exceed 50 days. The Committee is also concerned about:

(a) The insufficient use of alternative, non-custodial measures and overuse of detention;

(b) Overcrowding and poor conditions of places of detention and the lack of information on complaint mechanisms;

(c) The insufficient number of specialized juvenile courts and an ineffective system of public defence services;

(d) The limited availability of data on children in conflict with the law.

70. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the State party should:**

(a) **Urgently repeal Legislative Decree No. 1204 and ensure that its legislation is in full compliance with the principles and provisions of the Convention, in particular the safeguards enshrined in articles 37 and 40;**

(b) **Promote diversion and alternative measures to detention, including probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time;**

(c) **Ensure that the situation of children in detention is reviewed on a regular basis with a view to withdrawing the detention;**

(d) **In cases where detention is unavoidable, ensure that detention conditions are compliant with international standards, including with regard to protection from violence, with adequate accommodation and access to food, education, health services and independent, child-sensitive complaints mechanisms;**

(e) **Increase the number of specialized juvenile courts and provide them with adequate human, technical and financial resources, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;**

(f) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(g) **Establish a comprehensive database on children in conflict with the law with a view to facilitating the analysis of their situation and using the results to improve the State party's juvenile justice system.**

J. Cooperation with regional bodies

71. **The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

72. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

73. **The Committee invites the State party to submit its combined sixth and seventh periodic reports by 3 April 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

74. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**